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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,267	09/07/2004	Terry J. Gordon	GORDP005US	5266

27949 7590 12/15/2005

LAW OFFICE OF JAY R. YABLON
910 NORTHUMBERLAND DRIVE
SCHENECTADY, NY 12309-2814

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/711,267	Applicant(s) GORDON, TERRY J.	
	Examiner Christopher E. Mahoney	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 9, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thrasher (U.S. Pat. No. 2,664,797). Thrasher teaches a method for recording photographs in connection with the firing of a firearm. A photographic image of the target is saved via camera B based on detecting actual discharge of live ammunition (col. 3, lines 67-73) from the firearm toward the target. The applicant is directed to review the figures as well as col. 2, lines 6-7 and col. 3, lines 31-73.

Claims 1-2, 7, 9-10, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sonne (U.S. Pat. No. 2,282,680). Sonne teaches a method for recording photographs in connection with the firing of a firearm. A photographic image of the target is saved via camera C based on detecting actual discharge of live ammunition (via recoil detection) from the firearm toward the target. The applicant is directed to review the figures as well as col. 1, lines 1-10.

Claims 1, 7, 9, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (U.S. Pat. No. 4,643,159). Ryan teaches a method for recording photographs in connection with the firing of a firearm. A photographic image of the target is saved via camera 35 based on detecting actual discharge of live ammunition from the firearm toward the target. The applicant is directed to review the figures 17-21 as well as col. 1, lines 45-68.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrasher (U.S. Pat. No. 2,664,797) in view of Miyahara (U.S. Pat. No. 5,478,077) or in view of Greenly (U.S. Pat. No. 3,849,910). Thrasher teaches the salient features of the claimed invention except for detecting the sound of discharge. Both Miyahara and Greenly teach that it was known to detect the sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Miyahara or Greenly for the purpose of ,ore accurate tracking of the projectile.

Claims 3, 8, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrasher (U.S. Pat. No. 2,664,797) in view of Duckworth (U.S. Pat. No. 6,178,141). Thrasher teaches the salient features of the claimed invention except for detecting the sound of discharge. Duckworth teaches that it was known to detect the sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Duckworth for the purpose of ,ore accurate tracking of the projectile.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonne (U.S. Pat. No. 2,282,680) in view of Miyahara (U.S. Pat. No. 5,478,077) or in view of Greenly (U.S. Pat. No. 3,849,910). Sonne teaches the salient features of the claimed invention except for detecting the sound of discharge. Both Miyahara and Greenly teach that it was known to detect

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the sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Miyahara or Greenly for the purpose of ,ore accurate tracking of the projectile.

Claims 3, 8, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonne (U.S. Pat. No. 2,282,680) in view of Duckworth (U.S. Pat. No. 6,178,141). Sonne teaches the salient features of the claimed invention except for detecting the sound of discharge.

Duckworth teaches that it was known to detect the sound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Duckworth for the purpose of ,ore accurate tracking of the projectile.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrasher (U.S. Pat. No. 2,664,797) in view Andersson (WO 9725583). Thrasher teaches the salient features of the claimed invention except for determining travel time. Andersson teaches that it was known to determine travel time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Andersson for the purpose of more accurate training.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonne (U.S. Pat. No. 2,282,680) in view Andersson (WO 9725583). Sonne teaches the salient features of the claimed invention except for determining travel time. Andersson teaches that it was known to determine travel time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Andersson for the purpose of more accurate training.

Claims 4-6 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrasher (U.S. Pat. No. 2,664,797) in view of Pena (U.S. Pat. No. 5,020,262). Thrasher teaches the salient features of the claimed invention except for the scope. Pena teaches that it was known to utilize a photographic firearm scope. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Pena for the purpose of reducing parallax between the photographed image and the user's view. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the scope integral to reduce the number of parts (prevents misplacement and loss of smaller parts). The applicant should note that it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

Claims 4-6 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonne (U.S. Pat. No. 2,282,680) in view of Pena (U.S. Pat. No. 5,020,262). Sonne teaches the salient features of the claimed invention except for the scope. Pena teaches that it was known to utilize a photographic firearm scope. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Pena for the purpose of reducing parallax between the photographed image and the user's view. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the scope integral to reduce the number of parts (prevents misplacement and loss of smaller parts). The applicant should note that it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Howard v. Detroit Stove Works, 150 U.S. 164 (1893)

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'C. Mahoney', is written over the printed name.

Christopher E Mahoney
Primary Examiner
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